

MAINE STATE LEGISLATURE

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E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 45

S. P. 66

In Senate, January 20, 1937.

Referred to Committee on Inland Fisheries and Game. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Martin of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Relative to Keeping in Captivity Animals Wild by Nature.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 38, additional. Chapter 38 of the revised statutes is hereby amended by adding thereto the following as section 9-B:

‘Sec. 9-B. Keeping of wild animals in captivity prohibited; exceptions; fees; care and treatment. A. As used in this section, the following terms shall have the following meanings:

“Roadside menagerie.” Any place where 1 or more wild animals are kept in captivity, either in an enclosure or by tether, upon any street or highway, or upon land, public or private, in the vicinity of any commercial establishment for the evident purpose of exhibition or attracting trade. The term will not include the exhibition of any animal in connection with any theatrical exhibition or circus.

“Wild animal.” Any animal wild by nature as distinguished from the common domestic animals, whether or not such animal was bred or reared in captivity.

B. It shall be unlawful for any person to keep any wild animal in captivity upon any street or highway, or upon land, public or private, adjoining any street or highway, or upon land, public or private, in the vicinity of any commercial establishment, for exhibition, or the evident purpose of attracting trade, or to have any wild animal in his custody or control for such purpose, except that the commissioner may grant permits for "roadside menagerie." Applications therefor shall be made on forms prepared and furnished by the commissioner. The applications shall show the name and address of the applicant, the location or proposed location of the roadside menagerie, the approximate number and kinds of wild animals being or to be kept, space and method of housing, and confinement measures taken to protect the public from injury by any wild animal, and such further information as the commissioner shall prescribe. Each application shall be accompanied by a fee of \$50.

No permit shall be granted by the commissioner until he is satisfied that the provisions for housing and caring for the wild animals and for protecting the public are proper and adequate and in accordance with the standards therefor established by him.

All permits shall expire with the calendar year and may be revoked by the commissioner at any time prior thereto for failure to comply with the rules and regulations of the commissioner adopted pursuant to this section.

The commissioner is charged with the enforcement of this section and shall adopt, publish and enforce rules and regulations for the housing, care, treatment, feeding, and sanitation of wild animals kept in roadside menageries, and for the protection of the public from injury by such wild animals.

Each day during which a roadside menagerie is maintained without a permit shall constitute a separate offense.'